

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

SANDY J. BATTISTA,
Plaintiff,

vs.

KATHLEEN M. DENNEHY, Comm'r., et al.,
Defendant's.

CIVIL ACTION
NO.05-11456-DPW.

MOTION FOR LEAVE TO SUPPLEMENT PLAINTIFF'S PENDING
APPLICATION FOR A PRELIMINARY INJUNCTION BY SWORN AFFIDAVIT

Plaintiff, Sandy J. Battista, acting pro-se in the above captioned matter, respectfully requests this Court's leave to supplement her pending Application for a Preliminary Injunction by Sworn Affidavit. As grounds, plaintiff states the following:

1) On 7/6/05, along with her Verified Complaint, plaintiff filed her Application for a Preliminary Injunction. (On file).

2) On 7/22/05, this Court (Woodlock, J.), upon its Short Order of Notice, in part, instructed the defendant's to "file a written response to the allegations contained in the pleadings, particularly regarding the request for Temporary Restraining Order, by no later than July 22, 2005." (On file).

3) On 7/22/05, as instructed, defendant's filed their written response to plaintiff's request for preliminary relief. (On file).

4) On 7/27/05, plaintiff requested this Court's leave to file a Reply to defendant's written response to her Application for Preliminary Relief. (On file).

5) On 8/5/05, plaintiff filed her Reply to defendant's

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written response to her pending Application for Preliminary Relief. (On file).

6) On 8/18/05, this Court (Woodcock, J.), allowed plaintiff's Motion for Leave to File a Reply (at ¶4 above). (On file).

7) As of date, plaintiff's emotional well-being has deteriorated severely. Which has jeopardized her physical health, as well as severely increased her suicide ideation. All of which is factually documented in the accompanying Affidavit of the Plaintiff herewith.


8) The "increased harm" is "constant" and "irreparable," and bares directly on the "ultimate issue of fact" at hand. The potential for additional harm, and quite possibly loss of life, is so severe that this Court should grant the Motion at hand and the accompanying Affidavit of it's review and decision on plaintiff's pending Application for Preliminary Relief.

9) No decision has been made upon the pleadings at hand. And, therefore, no prejudice will befall any of the defendant's by the allowance of the Motion.

WHEREFORE, it is respectfully prayed, that this Court ALLOWs this Motion, and excepts the accompanying Affidavit for it's review and decision on plaintiff's pending Application for Preliminary Relief.

Dated: 10/12/05 .

Respectfully submitted,



Sandy J. Battista, #M-15930
Plaintiff/Pro-se
Mass. Treatment Center
30 Administration Rd.
Bridgewater, Mass. 02324-3230

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CERTIFICATE OF SERVICE

I, Sandy J. Battista, plaintiff in the enclosed matter, acting pro-se, hereby certify's that I have today mailed a true and accurate copy of the within filings upon counsel of record for the defendant's, by hand/mail.

Dated: 10/17/05.


Sandy J. Battista, #M-15930
Plaintiff/Pro-se